

REMARKS

Claims 1-25 are pending. No new amendments have been made by way of the present submission, thus, no new matter has been added. In the outstanding Office Action the Examiner has alleged that the present application contains groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. The groups set forth by the Examiner at page 2 of the Office Action are as follows:

Group I, claims 1-2 and 5-8, drawn to biochips;

Group II, claims 3-4, drawn to coating solutions;

Group III, claims 9-23, drawn to methods of preparing biochips; and

Group IV, claims 24-25, drawn to methods of assaying biomaterials using biochips.

Applicants respectfully traverse the Examiner's unity of invention rejection. In particular, Applicants respectfully submit that the present claims are so linked as to form a single general inventive concept. In particular, pursuant to PCT Rule 13.2, the present claims share the same or corresponding special technical feature. For instance, each claim requires the present biochip, and in particular, several claims require the coating solution for a chip substrate. The prior art cited by the Examiner, contrary to the Examiner's assertion, does not suggest or disclose the present special technical feature. As such, the Examiner's unity of invention rejection is improper and should be withdrawn.

However, in order to be fully responsive, Applicants hereby elect Group I, directed to claims 1-2 and 5-8. This is an election with traverse as noted above.

At the very least, to the extent that the methods of Group III (claims 9-23) and Group IV (claims 24-25) require the biochip of Group I, Applicants request rejoinder of these claims, if not concurrent examination, to the extent that these claims are allowable due the allowable product.


Based upon the above, favorable action on the merits is respectfully solicited.

If the Examiner has any questions or comments, please contact Craig A. McRobbie, Registration No. 42, 874 at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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